

REMARKS

The above referenced patent application has been reviewed in light of the Office Action, dated February 11, 2004, in which:

- claims 1-37 are rejected under 35 U.S.C. § 102(e) on Douskey *et al.* (hereafter, 'Douskey,' US Patent No. 6,115,763).

Reconsideration of the above referenced patent application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-37 are now pending the above referenced patent application. Claims 1, 4, 18 and 20 have been amended. No claims have been cancelled, or added.

1. 35 U.S.C. § 102

1.1. *Douskey: Claims 1-37*

The PTO has rejected claims 1-37 under 35 U.S.C. § 102(e) as being anticipated by Douskey. This rejection by the PTO of these claims is respectfully traversed.

It is well-established that in order to establish a *prima facie* case of anticipation under § 102 of the patent statute, the PTO must provide a single prior art document that alone has every element and every limitation of the claim being rejected. Therefore, if even a single element or limitation is not met by the asserted document, then the PTO has not succeeded in establishing a *prima facie* case.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants begin with claim 1. Claim 1, as amended, recites:

1 1: (currently amended) An apparatus which comprises:
2 a multi-core processor and
3 at least one test control mechanism, including at least one test access port
4 controller (TAPC) and a plurality of distributed data and control registers;
5 said multi-core processor and said test control mechanism having a
6 configuration so as to allow testing of said multi-core processor.

It is respectfully asserted that, as just one example of how the text cited by the PTO fails to meet the language of the rejected claims, Douskey does not show, teach, use, or describe a plurality of **distributed data and control registers**. Douskey instead shows a **single data register** (See Fig. 15, TDR 265) that is **localized to the Douskey Master Interface Unit** (MIU

250 of Fig. 15). Applicants respectfully contend that Douskey fails to satisfy a *prima facie* case of anticipation as directed by 35 U.S.C. § 102.

Claims 2-37 either depend from claim 1, or include a substantially similar and patentably distinct limitation as claim 1. It is, therefore, respectfully requested that the rejection of these claims also be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all claims pending in this application, as amended, are in condition for allowance. If the Examiner has any questions, they are invited to contact the undersigned at 503-264-7002. Reconsideration of this patent application and early allowance of all claims is respectfully requested.

Respectfully submitted,



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